

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION STATE OF ILLINOIS

ORIGINAL

ILLINOIS COMMERCE COMMISSION

ILLINOIS VALLEY CELLULAR RSA 2-I)
PARTNERSHIP)

Application for Designation as an Eligible)
Telecommunications Carrier for Purposes)
of Receiving Federal Universal Service)
Support Pursuant to Section 214(e)(2) of)
the Telecommunications Act of 1996.)

Docket No. 04-0454

ILLINOIS
COMMERCE COMMISSION
2004 JUL -6 P 3:36
CHIEF CLERK'S OFFICE

MOTION FOR PROTECTIVE ORDER

Illinois Valley Cellular RSA 2-I Partnership ("IVC") respectfully moves the Illinois Commerce Commission ("Commission") for entry of an order pursuant to Section 200.430 of 83 Ill. Admin. Code Part 200, and in such regard, respectfully states as follows:

1. Section 4-404 of the Public Utilities Act states that the "Commission shall provide adequate protection for confidential and proprietary information furnished, delivered or filed by any person, corporation or other entity." 220 ILCS 5/4-404.

2. Section 200.430 of the Commission's Rules of Practice, 83 Ill. Admin. Code Part 200.430 states that "At any time during the pendency of a proceeding, the Commissioner or the Hearing Examiner may, on the motion of any person, enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies." 83 Ill. Adm. Code Section 200.430(a).

3. On July 2, 2004 IVC filed its Application with the Commission requesting to be designated as an Eligible Telecommunications Carrier for purposes of receiving Federal Universal Service Support pursuant to Section 254 of the Telecommunications Act of 1996.

4. Appendix E to IVC's Application is a diagram showing IVC's service coverage areas and its plans for future expansion of its system within its service area. IVC deems the

information depicted on Appendix E to the Application to be proprietary, confidential, and commercial sensitive information because it shows IVC's plans for future expansion. A public version of Appendix E which omitted the content thereof was filed with the Application. A proprietary and confidential version of Appendix E was filed under seal pursuant to 83 Ill. Admin. Code Sections 200.430 and 200.605.

5. Section 7 of the Illinois Freedom of Information Act, 5 ILCS 140/7 (1996) exempts from public disclosure "trade secrets and commercial or financial information...where such trade secrets or information are proprietary, privileged, or confidential." Appendix E is a map showing IVC's plans for future expansion of its CDMA Service and falls within this exemption.

6. IVC's efforts to protect its future operations depend upon the confidentiality of these efforts. Disclosure of information regarding these efforts could seriously compromise these efforts and place at risk IVC's business operations. Accordingly, the Protective Order is necessary to protect IVC's future operations and the integrity of its finances relating thereto.

7. IVC respectfully requests that the Administrative Law Judge or the Commission enter an order protecting the proprietary version of Appendix E to the Application from public disclosure for a period of 5 years. 83 Ill. Admin. Code 200.430(b) authorizes protective orders of up to 5 years upon request.

8. IVC does not object to providing access to the protected material by an authorized representative of a party to the proceeding who has (1) read the Protective Order and (2) has executed a non-disclosure certificate.

9. A Proposed Protective Order is attached to this Motion and a proposed non-disclosure certificate is attached to the Proposed Protective Order as Attachment A to that Order.


Under the Proposed Protective Order, the protected material will be used solely for the purpose of assisting Commission Staff or an Intervener in reviewing the Application and preparing for or trying this proceeding and shall not be used for any other purpose in this or any other jurisdiction.

10. The Protective Order will not limit Staff or any Intervener from review of IVC's fitness for designation as eligible for Federal Universal Service Support, nor their presentation of testimony or briefs on the subject. The Protective Order only establishes reasonably necessary procedures to assure confidentiality of sensitive information.

WHEREFORE, Illinois Valley Cellular RSA 2-I Partnership respectfully requests the Commission grant this Motion and to enter a Protective Order affording proprietary and confidential treatment for five years to Appendix E to its Application herein.

Respectfully Submitted,

Illinois Valley Cellular RSA 2-I Partnership

By: 

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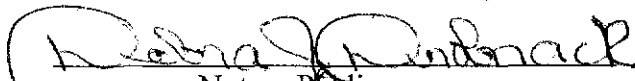
STATE OF ILLINOIS)
 : SS
COUNTY OF SANGAMON)

The undersigned, Troy A. Fodor, being first duly sworn on oath, deposes and states that he has read the foregoing MOTION and that the contents thereof are true and correct to the best of his information and belief.



Troy A. Fodor

SUBSCRIBED and sworn to before me
this 6th day of July, 2004.



Notary Public

